

FILED

The Supreme Court of Ohio

AUG 25 2010

CLERK OF COURT
SUPREME COURT OF OHIO

Mentor Exempted Village School District
Board of Education et al.

Case No. 2010-0951

v.

William Mohat et al.

E N T R Y

109CV688

This cause came on before the Court on the certification of a state law question from the United States District Court for the Northern District of Ohio, Eastern Division. Upon review of the preliminary memoranda pursuant to S.Ct. Prac. R. 18.6,

It is determined that the Court will answer the following modified question as stated in the petitioners' memorandum:

"Whether, under Ohio law **an action** filed on behalf of a decedent before an estate is legally established by someone who is not a legally appointed administrator or personal representative (i.e., is without **the capacity** to sue on the decedent's behalf), are barred by the statute of limitations if later, after the running of the statute of limitations but before resolution of the claims, an estate is legally established and an administrator or personal representative is duly appointed and named in the Complaint – or whether the formation of the estate and the appointment of the administrator relates back to the original filing of the claims"

It is ordered by the Court that petitioner shall file its merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct. Prac. R. 6.2 – 6.4, and S.Ct. Prac. R. 18.7.

(U.S. District Court for the Northern District of Ohio, Eastern Division;
No. 109CV688)

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NORTHERN DISTRICT OF OHIO
FILED


ERIC BROWN
Chief Justice